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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,508	11/02/2001	Ralph H. Reese	33267.00005.CON	6178
36183	7590	10/06/2006	EXAMINER	
PAUL, HASTINGS, JANOFSKY & WALKER LLP P.O. BOX 919092 SAN DIEGO, CA 92191-9092			PHAN, JOSEPH T	
			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 10/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/002,508	REESE ET AL.
	Examiner Joseph T. Phan	Art Unit 2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 21 July 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,6-8,10,12,13,15-21,23-25,28-30,34,37,39-43,45,46,49-58 and 60-65 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application
- 6) Other: _____.

Continuation of Disposition of Claims: Claims pending in the application are 1,6-8,10,12,13,15-21,23-25,28-30,34,37,39-43,45,46,49-58 and 60-65.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 25, and 46 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 25, and 46 lines 7-8 recite "comprising all of said information received and all other relevant information pertaining to said requestor residing in said database". This phrase is unclear as to the metes and bounds of the claim, whereby "all other relevant information" can comprise of an infinite number of information. By not providing limitations to the phrase makes the claims indefinite.

Appropriate clarification and/or correction are required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 6-8, 10, 12-13, 15-21, 23-25, 28-30, 34, 37, 39-43, 45-46, 49-58, 60-65 rejected under 35 U.S.C. 102(b) as being anticipated by Maloney et al., Patent #5,684,870.

Regarding claim 1, Maloney teaches a system for responding to requests, said system comprising:

an IVR for identifying a requestor and for querying said requestor for relevant information(*col.4 lines 11-12, 60-67, and col.8 lines 45-49, IVR read as VRU- consistent with applicant's disclosure page 2 lines 15-23*);

a routing switch in communication with said IVR(14 or 24 Fig.1-2);

a database in communication with said routing switch such that said relevant information from said IVR can be forwarded as a unit of work record(*col.4 line 65-col.5 line 8 and col.5 lines 60-66*);

a device in communication with said routing switch, for distributing said unit of work record(*18 Fig.2 and col.6 lines 1-9*); and

a receiver adapted to receive said unit of work record from said device during contact with said requestor to facilitate a response to said requestor(*54/58 Fig.2, col.4 line 65-col.5 line 8 and col.6 lines 1-37*).

Regarding claim 6, Maloney system of claim 1 wherein said system is adapted to receive requests via a mode of communication selected from the group consisting of telephones, faxes, and the internet(*col.5 lines 9-30*).

Regarding claim 7, Maloney system of claim 1 wherein said system is adapted to receive automated requests from machines(*col.8 lines 34-59*).

Regarding claim 8, Maloney system of claim 1 wherein said IVR is adapted to receive responses from said requestor in the form of communication selected from the

group consisting of sound, touch tones, speech, electronic data, e-mail, faxes, and internet messages(*col.4 lines 11-12, 60-67, and col.8 lines 45-49*).

Regarding claim 10, Maloney system of claim 1 wherein said database is adapted to be updated with said relevant information each time said requestor uses said system(*col.4 lines 11-12, 60-67, and col.8 lines 45-49*).

Regarding claim 12, Maloney system of claim 1 wherein said device for distributing said unit of work record is a hub(VRU system 14 and 18 of Fig.2 is a hub).

Regarding claim 13, Maloney system of claim 1 wherein said receiver is adapted to generate an automated response using said unit of work record(*col.4 lines 11-12, 60-67, and col.8 lines 45-49*).

Regarding claim 15, Maloney system of claim 1 further comprising a computer telephony integration server in communication with said routing switch, said computer telephony integration server adapted to synchronize said unit of work record with said receiver(14, 18, or 24 of Fig.2).

Regarding claim 16, Maloney system of claim 1 further comprising at least one additional receiver in communication with said receiver such that said receiver is adapted to transfer said unit of work record to said at least one additional receiver (*col.10 lines 1-30*).

Regarding claim 17, Maloney system of claim 1 further comprising a second database in communication with said routing switch such that said receiver is adapted to receive information from said second database(64 Fig.2, 58 and 76 of Fig.3; several databases).

Regarding claim 18, Maloney system of claim 17 wherein said second database contains credit information(*col.10 lines 20-25*).

Regarding claim 19, Maloney system of claim 18 wherein said credit information is selected from the group consisting of credit history and credit scoring(*col.10 lines 20-25; person with credit card has credit history and scoring*).

Regarding claim 20, Maloney the system of claim 17 wherein said second database is remotely located from said routing switch(*64 Fig.2, 58 and 76 of Fig.3*).

Regarding claim 21, Maloney the system of claim 20 wherein said second database is in communication with said routing switch via a data service unit/channel service unit (DSU/CSU) (*24, 58, 62 is a data unit or channel unit*).

Regarding claim 23, Maloney the system of claim 20 further comprising a firewall interposed between said second database and said routing switch(*CCS 58 Fig.2 is a firewall*).

Regarding claim 24, Maloney the system of claim 17 wherein said information from said second database is included in said unit of work record(*col.5 lines 62-col.6 line 9*).

Regarding claim 25, Maloney teaches a system for responding to requests, said system comprising:

a device adapted to identify a requestor and query said requestor for information and receive from said requestor said information(*14/18 Fig.2, col.4 lines 11-12, 60-67, and col.8 lines 45-49, IVR read as VRU- consistent with applicant's disclosure page 2 lines 15-23*); a database in communication with said device adapted to store and forward a

unit of work record, and a receiver adapted to receive a unit of work record from said database during contact with said requestor to facilitate a response to said requestor(*54/58 Fig.2, col.4 line 65-col.5 line 8 and col.6 lines 1-37*).

Regarding claim 28, Maloney the system of claim 25 wherein said system is adapted to receive requests via a mode of communication selected from the group consisting of telephones, faxes, and the internet(*col.4 lines 11-12, 60-67, and col.8 lines 45-49*).

Regarding claim 29, Maloney the system of claim 25 wherein said system is adapted to receive automated requests from machines(*col.8 lines 34-59*).

Regarding claim 30, Maloney the system of claim 25 wherein said device is adapted to receive responses from said requestor in the form of communication selected from the group consisting of sound, touch tones, speech, electronic data, e-mail, faxes, and internet messages(*col.4 lines 11-12, 60-67, and col.8 lines 45-49*).

Regarding claim 34, Maloney the system of claim 25 wherein said database is adapted to be updated with said relevant information each time paid requestor uses said system(*col.9 line 41-col.10 line 30*).

Regarding claim 37, Maloney the system of claim 25 wherein said receiver is adapted to generate an automated response using said unit of work record(*col.4 lines 11-12, 60-67, and col.8 lines 45-49*).

Regarding claim 39, Maloney the system of claim 25 further comprising a computer telephony integration server adapted to synchronize said unit of work record with said receiver(*14, 18, or 24 of Fig.2, and col.9 line 41-col.10 line 30*).

Regarding claim 40, Maloney the system of claim 25 further comprising at least one additional receiver in communication with said receiver such that said receiver is adapted to transfer said unit of work record to said at least one additional receiver (col.9 line 41-col.10 line 30).

Regarding claim 41, Maloney the system of claim 25 further comprising a second database such that said receiver is adapted to receive information from said second database (64 Fig.2, 58 and 76 of Fig.3; several databases).

Regarding claim 42, Maloney the system of claim 41 wherein said second database contains credit information (col.10 lines 20-2).

Regarding claim 43, Maloney the system of claim 42 wherein said credit information is selected from the group consisting of credit history and credit scoring (col.10 lines 20-25; *person with credit card has credit history and scoring*).

Regarding claim 45, Maloney the system of claim 41 wherein said information from said second database is included in said unit of work record (64 Fig.2, 58 and 76 of Fig.3; several databases).

Regarding claim 46, Maloney teaches a method for receiving requests, said

method comprising:

querying a requestor for information, receiving from said requestor said information; obtaining from a database information pertaining to said requestor; and saving all of information received by said requestor as a unit of work record (54/58 Fig.2, col.4 line 65-col.5 line 8 and col.6 lines 1-37), and forwarding said unit of work record to a receiver while still in contact with said requestor (col.9 line 17-col.10 line 30).

Regarding claim 49, Maloney the method of claim 46 further comprising updating said unit of work record with said relevant information each time said requestor makes a request(col.9 line 17-col.10 line 30).

Regarding claim 50, Maloney the method of claim 49 wherein said unit of work record is updated to include said relevant information from a current contact with said requestor as well as information about a past contact with said requestor(col.9 line 17-col.10 line 30).

Regarding claim 51, Maloney the method of claim 46 further comprising providing a response to said requestor using said unit of work record(col.9 line 17-col.10 line 30).

Regarding claim 52, Maloney the method of claim 46 further comprising transferring information from a database to said receiver such that said receiver receives said unit of work record and said information from said database while still in contact with said receiver(col.9 line 17-col.10 line 30).

Regarding claim 53, Maloney the method of claim 52 wherein said information from said database includes credit information(col.9 line 17-col.10 line 30).

Regarding claim 54, Maloney the method of claim 53 wherein said credit information is selected from the group consisting of credit history and credit scoring(col.10 lines 17-30).

Regarding claim 55, Maloney the method of claim 46 further comprising: providing a database containing information relative to said requestor, and saving said information of said database in said unit of work record such that said unit of work record includes said relevant information and said information of said

database(col.9 line 17-col.10 line 30).

Regarding claim 56, Maloney the method of claim 55 wherein said information of said database includes credit information(col.9 line 17-col.10 line 30).

Regarding claim 57, Maloney the method of claim 56 wherein said credit information is selected from the group consisting of credit history and credit scoring(*col.10 lines 20-25; person with credit card has credit history and scoring*).

Regarding claim 58, Maloney the method of claim 46 further comprising forwarding said unit of work record to a second receiver while still in contact with said requestor(col.9 line 17-col.10 line 30).

Regarding claim 60, Maloney the system of claim 1, wherein said IVR is adapted to draw conclusions about said requestor and dynamically decide what questions to ask said requestor(54/58 Fig.2, col.4 line 65-col.5 line 8, col.6 lines 1-37, and col.9 line 17-col.10 line 30).

Regarding claim 61, Maloney the system of claim 1 further comprising a computer telephony integration (CTI) server in communication with said IVR, said database, and said receiver, said CTI server adapted to automatically notify an application program running at said receiver of the existence of said unit of work record(54/58 Fig.2, col.4 line 65-col.5 line 8, col.6 lines 1-37, and col.9 line 17-col.10 line 30).

Regarding claim 62, Maloney the system of claim 61 wherein said application program is operable to automatically access said contents of said unit of work record in response to said notification; append additional information to said contents; write said

contents to said unit of work record in said database, thereby updating said unit of work record; and

notify said CTI server that said unit of work record has been updated and is available to be accessed during a next transaction(54/58 Fig.2, col.4 line 65-col.5 line 8 and col.6 lines 1-37).

Regarding claim 63, Maloney the system of claim 25, wherein said device is adapted to draw conclusions about said requestor and dynamically decide what questions to ask said requestor(54/58 Fig.2, col.4 line 65-col.5 line 8 and col.6 lines 1-37)

Regarding claim 64, Maloney the system of claim 25 further comprising a computer telephony integration (CTI) server in communication with said device, said database, and said receiver, said CTI server adapted to automatically notify an application program running at said receiver of the existence of said unit of work record(54/58 Fig.2, col.4 line 65-col.5 line 8, col.6 lines 1-37, and col.9 line 17-col.10 line 30).

Regarding claim 65, Maloney the system of claim 64 wherein said application program is operable to automatically access said contents of said unit of work record in response to said notification; append additional information to said contents; write said contents to said unit of work record in said database, thereby updating said unit of work record; and notify said CTI server that said unit of work record has been updated and is available to be accessed during a next transaction(54/58 Fig.2, col.4 line 65-col.5 line 8, col.6 lines 1-37, and col.9 line 17-col.10 line 30).

Response to Arguments

3. Applicant's arguments filed 07/21/06 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., *utilizing a VRU to store information in a first screen customer profile*) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Assuming arguendo, Maloney's VRU still stores(if just temporarily) information received(col.4 line 65-col.5 line 8). Furthermore, the claimed IVR can be read as a system in Maloney comprising an ACD and VRU (Fig.2).

It is noted that the claims as currently recited in still broad enough to interpret the claims onto Maloney's system (e.g. the added limitation of "*..and receiving from said requestor said information*" can be read as the ANI/DNIS information with caller information that is retrieved from said requestor). As in any caller ID system, the system can retrieve information from the caller, merely just based on the telephone number the caller inputted in or calling from.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph T. Phan whose telephone number is (571) 272-7544. The examiner can normally be reached on Mon-Fri 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JTP
September 28, 2006



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